IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 14 OF 2007

Mr.Tushar Ganesh More .. Petitioner.

V/s.

Mrs. Shradha Tushar More .. Respondent.

Mr. Mandar Limaye for the Petitioner.

Mr.R.Bhatkar for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 10TH SEPTEMBER, 2007.

P.C. :-

. This application for transfer of the proceedings from Ratnagiri to Pune is made by the petitioner-husband.

2. The respondent- wife has filed proceedings for maintenance under section 125 of the Criminal Procedure Code in Ratnagiri on 13.06.2006. A little earlier to that, the husband had filed proceedings for divorce at Pune. The husband is a resident of Pune and the wife is a resident of Ratnagiri. There are no issues. The wife apparently has no source of income. The only contention of Shir Limaye, the learned counsel for the applicant is that the wife already had to attend the divorce

proceedings at Pune and therefore, it would be proper to transfer the case filed by her at Ratnagiri to the court at Pune. Shri Limaye relies on the judgment of the Supreme Court in **Eluri Raji Reddy & Ors. vs. State of Delhi and another, reported in (2004) 4 Supreme Court Cases 479.** It appears that the facts of that case are distinguishable from the present case. Their lordships for the better convenience of the parties have transferred the case filed by the wife at Delhi to Andhra Pradesh where the husband had filed a case, since it was found that the wife had a house in Andhra Pradesh. In the present case, the facts are different.

3. The another contention raised by Shri Limaye is that the applicant's parents, who are aged, would not be conveniently able to give evidence in the court at Ratnagiri. It is not clear why both the parents of the applicant would have to go to Ratnagiri to give evidence and what is the relevance of their evidence in the proceedings for maintenance. It is, therefore, not possible to accept this submission.

4. Having regard to the circumstances of the case, I see no reason to direct the transfer. The application is dismissed.

(S.A.BOBDE,J.)

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